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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 08-00328 - RMW
	)	
Plaintiff,	)	
	)	STIPULATION AND []
v.	)	ORDER EXCLUDING TIME
	)	
PAULA LUNA ALVAREZ,	)	
a/k/a PAULA LUNA,	)	
a/k/a PAULA JUAREZ, and	)	SAN JOSE VENUE
CARLOS CONTRERAS DEL CARMEN,	)	
a/k/a CARLOS F. CONTRERAS,	)	
a/k/a CARLOS F. DEL CARMEN,	)	
Defendants.		

On September 21, 2009 counsel Alex Park, appearing for both defendants in this case, appeared before the Court along with Government counsel, for status conference. The defendants requested that the case be continued until at October 26, 2009, 9:00 a.m. in order for counsel for defendant to conduct further investigation and preparation. The Government indicated that it will supersede the indictment between now and October 26, and will request that a motions calendar and trial date be set on that day. In addition, the parties requested exclusions

of time under the Speedy Trial Act. The parties therefore agree and stipulate that an exclusion of time from September 21, 2009 until October 26, 2009 is appropriate based on the defendant's need for effective preparation of counsel.

SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

DATED: 9/29/09

/s/  
THOMAS M. O'CONNELL  
Assistant United States Attorney

DATED: 9/29/09

/s/  
GEORGE BENETATOS  
Counsel for DELCARMEN

DATED: 9/29/09

/s/  
ALEX PARK  
Counsel for ALVAREZ

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from September 21, 2009 until October 26, 2009. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

SO ORDERED.

DATED: 10/8/09

  
RONALD M. WHYTE  
United States District Judge